

WILMERHALE

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By ECF

Colin Reardon

+1 212 295 6406 (t)

+1 212 230 8888 (f)

colin.reardon@wilmerhale.com

Hon. Mae A. D'Agostino  
United States District Court  
Northern District of New York  
James T. Foley U.S. Courthouse  
445 Broadway, Room 441  
Albany, NY 12207

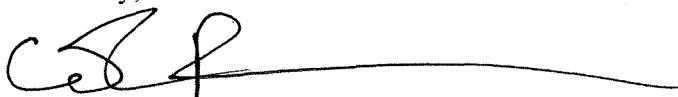
Re: *Smith v. Perlman*, No. 9:11-cv-20 (MAD/CFH) (N.D.N.Y.)

Dear Judge D'Agostino:

I write in response to the Court's September 8, 2016 letter to Plaintiff Aurel Smith. My firm represented Plaintiff *pro bono* in his appeal to the U.S. Court of Appeals for the Second Circuit, and has recently been retained by Plaintiff to represent him *pro bono* on remand to this Court. My colleagues David Lesser, Jenny Pelaez, and I filed notices of appearance today.

We are in the process of conferring with Defendants' counsel regarding scheduling and other matters. Absent contrary direction from the Court, we expect to submit a status report next week with a proposal for how to proceed and identifying areas of disagreement, if any. We are of course also available for a status conference should the Court wish.

Sincerely,



Colin Reardon  
*Attorney for Plaintiff Aurel Smith*

cc:     Bruce Boivin (via e-mail)  
          Kevin Hayden (via regular mail)